

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

LABORATORY SKIN CARE INC.	:	
and ZAHRA MANSOURI,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 06-601-JJF
	:	
LIMITED BRANDS INC. and	:	
BATH AND BODY WORKS LLC,	:	
	:	
Defendants.	:	

**MEMORANDUM ORDER**

Pending before the Court is a Motion For Reconsideration Of The Court's August 17, 2009 Order (D.I. 208) filed by Defendants, Limited Brands Inc. and Bath and Body Works LLC. Plaintiffs, Laboratory Skin Care Inc. and Zahra Mansouri, oppose the Motion arguing that Defendants have not met the substantial burden for reconsideration. Because the Court agrees with Plaintiffs that Defendants have not established that reconsideration is necessary to correct "manifest errors of law or fact or to present newly discovered evidence," the Motion will be denied. See Max's Seafood Café by Lou-Ann, Inc. v. Quinteros, 176 F.3d 669, 678 (3d Cir. 1999).

After reviewing the parties' submissions, the Court is not persuaded that Defendants have raised any errors of fact or law, or any new arguments warranting reconsideration, except possibly the argument that Defendants did not have sufficient grounds to

file a motion for summary judgment until Defendants obtained the deposition of Mr. Field. Although disputed by Defendants, the Court finds persuasive Plaintiffs' recitation of the pertinent events. Specifically, the Court is persuaded that Defendants had all of the documents and information needed to plead the asserted claim more than 17 months before they filed their summary judgment motion (D.I. 213 at 7 ¶ 10). In addition, the Court notes that Defendants' Motion For Summary Judgment cites deposition testimony given by Mr. Field in April 2002, during unrelated litigation filed by Plaintiffs against the Morrison & Foerster law firm. This testimony was received by Defendants in June 2008, three months before they filed their summary judgment motion. (Id. at 8 ¶ 11). Moreover, Mr. Fields was deposed in July 2008, two months before Defendants' filed their Motion. Because all of this information was available to Defendants at the time they filed their motion, the Court concludes that it cannot be fairly characterized as newly discovered evidence requiring reconsideration of the Court's initial decision granting Plaintiffs' Motion To Strike Defendants' Motion For Summary Judgment Of Unenforceability.

NOW THEREFORE, IT IS HEREBY ORDERED that Defendants' Motion for Reconsideration of the Court's Order Granting Plaintiff's Motion to Strike (D.I. 208) is DENIED.

October 15, 2009  
DATE

  
UNITED STATES DISTRICT JUDGE